APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,965	04/25/2001	Markus Baumeister	DE000071	6068

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EXAMINER
LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/841,965	BAUMEISTER ET AL.
	Examiner	Art Unit	
	Samson B. Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 April 2001_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 3-7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 and 3-7_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _25 April 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6)☐ Other: _____ .

DETAILED ACTION

1. This office action is in replay to an amendment filed on December 29, 2004. Applicants have amended **claims 1 and 3-5, canceled claim 2** and **added new claims 6-7. Claims 1 and 3-7** are pending in the application.

Response to Arguments

2. Applicant's argument filed on December 29, 2004 have been fully considered but they are not persuasive.

   The First argument by the applicant is about the former **dependent claim 2**, which is now included in to the independent claim 1. The originally-filed dependent claim 2, is now rewritten in the independent form. Applicant argues that the former dependent claim 2 which is now part of the independent claim has limitation that is not shown by the reference on the record, namely **Peterka**, International Publication WO99/66714. **Applicant argued** that the limitation in former claim 2, "the filter further evaluates additional data occurring while the user has access to the access control object, monitors a change in the access rights, and triggers withdrawal of the access rights to the access controlled object." Applicant further argues that nowhere in FIG. 3 is there any disclosure or mention of evaluating additional data occurring while the user has access to an access control object, monitoring a change in the access rights, and triggering withdrawal of the access rights to the access controlled object.
   Examiner disagrees with this argument.
   Examiner would point out that **Peterka**, the reference on record discloses the following.

"**The filter further evaluates additional data occurring while the user has access to the access control object**,[Page 20, lines 28- page 21; page 31, lines 19-28](Even If the caller has the required permission, a further check is made to determine whether a "condition" of the receiver 160 is satisfied. This is determined at the access controller 240 by analyzing the current environment of the receiver 160.] **monitors a change in the access rights**,[Page 21, lines 11-20; see also page 21, lines 21-page 22, line 14, page 31, lines 19-28] (data indicating the current environment of the receiver, such as time of the day or date, parental lockout status, pay-per-view status, current viewer, **current authorization state** that is relevant and **changes over time**.) and **triggering withdrawal of the access rights to the access controlled object**.[Page 22, lines 22-33; figure 3, ref. Num "370"] (If the access controller determines the condition/additional data which dynamically changes with time as explained on page 21, lines 19-20 while the user has access to the access objects as explained on page 20, lines 28-page 21, line 2 and monitors a change in the access rights as explained above and triggering withdrawal of the access right to the access controlled objects as explained on page 22, lines 22-23 or figure 3, ref. Num "370"]

The last argument by the applicant with regard to claim 1

Applicant further argued that the reference on the record does not discloses that access rights are ever dynamically withdrawn during an access which has already been granted. Though the applicant admitted that **Peterka** discloses how the current condition is evaluated before granting permission, applicant is not convinced that, the conditions are further evaluated while access is in progress.

With respect to the above argument the Examiner will respond the following:

On page 31, lines 19-28, Peterka discloses his invention in comparison to the prior art inventions indicating how the prior art **rating control is not dynamic** and his/her invention evaluates the access control dynamically even after the user has been

provided an access. **In support of the argument Peterka** indicated that when the user who has already acquired an access to a certain channel when he tunes/changes to another channel, the application could **stay on or terminated** depending on the definition of the policy which is dynamically changing depending on the factors which are changing dynamically and **this implies that the access right is dynamically withdrawn during an access which has already been granted.**

Therefore all the **elements of the limitations of claim 1** is explicitly or implicitly suggested and disclosed by the references on the records.

The second argument by the applicant regarding claims 3 and 4

Applicants argument is based on the same reasons provided to claim 1, since they are dependent on claim 1.

Examiners disagrees with the remark by the same argument/reasons indicated for claim1.

The last argument by the applicant regarding claim 5

Claim 5, which was a dependent claim previously is rewritten in independent form by the applicants. Applicants argued that the references on the records namely Peterka, Brown and their combination does not include the following features and argued as follows:

"The cited text in Brown merely discloses that a directory service maintains a directory of content objects as nodes in a tree-like structure. However, the cited text makes no mention of each node containing a list of permitted users or user groups, respectively, of the access controlled object and for each user or user group respectively, including a list of methods of use. Instead, it appears that Brown uses an access control matrix and access rights database (152) which is organized based on users, not by objects, and which is organized on a user-by-user (or user-group-by-user-

group) basis to list for each user (or user group) the content nodes and access operations available to the user."

Examiner disagrees with this argument.

Examiner would point out that **Peterka**, discloses the access right manager which is interpreted by the office to be the "Security Policy" has a data structure for listing and accessing the permission of the associated controlled objects or functionalities and lists the name of the associated permission.(page 20, lines 15-18; page 4, lines 5-6).

Furthermore Peterka discloses that "resource manager " which is interpreted by the office to be the "Access Controller" checks the access right manager or the "Security Policy" to check the appropriate permission.(page 19, lines 24-29) and **Brown** discloses that on-lines services or directory services maintains a directory structure of the content objects that are accessible to the user with the content objects forming nodes of the tree-like directory structure or data structure. This data structure provides a hierarchical navigable view of content. (column 2, lines 38-46)

The motivation of combing references to disclose the claimed limitation is shown on claim 5. **[See claim 5 below]**

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4.   **Claims 1, 3 and 4 and 7 are** rejected under 35 U.S.C. 102(a) as being anticipated by

Peterka, (hereinafter referred as Peterka)(International Publication Number: WO 99/66714)

5.   **As per claim 1 and 7 Peterka discloses**

•   A network comprising terminals and a software system distributed over all the

terminals, (page 13, lines 6-8; page 14, lines 20-24; figure 1, ref. Num "100", ref. Num

"120"; ref. Num "160")(A network or the digital television broadcast network has the

software system or the software application distributed or broadcasted to each

terminals or receivers as explained on page 14, lines 20-24; the terminal is interpreted

as "television receiver" and this interpretation is given in light of the submitted

application as it is defined on page 3, lines 1-3) and

•   At least an access controlled object (page 15,

lines 2-6; page figure 2, ref. Num "161" ; page 17, lines 27-31; page 18, lines 1-3; page

18, lines 24-29) (the "controlled objects" is interpreted by the office to be the "receiver

functionalities or resources and/or user data" that are invoked or accessed in the

terminal or in side the receiver at the block called "receiver function" as shown on figure

2, ref. Num "161" by either the software application file or "software system" as

explained on page 15, lines 2-6; page 17, lines 18-31. In response to the software

distributed over the terminals or the receiver, application execution module

which is shown on figure 2, ref. Num "230" tries to invoke or access a receiver function

including access to user private data as explained on page 17, lines 25-31) wherein

•   The software system includes at least a filter which evaluates of a user for an

access controlled object based on data which are not available until the time of

access.(page 18, lines 24-30; figure 1, ref. Num

"220") (A "filter" is interpreted by the office to be the "Permission code module 220"

which is provided for evaluating the access rights of the user or the application for

accessing the controlled objects or receiver functionalities or resources or user data

under the control of the "Access Controller" as shown on figure 2, ref. Num

"240" based on the data that are not available until the time of the access or "condition

code module 225" as shown on figure 2, ref. Num "225" and as explained on page 19,

lines 6-18)

- **The filter further evaluates additional data occurring while the user has**

access to the access control object,[Page 20, lines 28- page 21; page 31, lines 19-

28](Even If the caller has the required permission, a further check is made to determine

whether a "condition" of the receiver 160 is satisfied. This is determined at the access

controller 240 by analyzing the current environment of the receiver 160.] **monitors a**

change in the access rights,[Page 21, lines 11-20; see also page 21, lines 21-page 22,

line 14, page 31, lines 19-28] (data indicating the current environment of the receiver,

such as time of the day or date, parental lockout status, pay-per-view status, current

viewer, current authorization state that is relevant and changes over time.) and

triggering withdrawal of the access rights to the access controlled object.[Page 22,

lines 22-33] (If the access controller determines the condition/additional data which

dynamically changes with time as explained on page 21, lines 19-20 while the user has

access to the access objects as explained on page 20, lines 28-page 21, line 2 and

monitors a change in the access rights as explained above and triggering withdrawal of

the access right to the access controlled objects as explained on page 22, lines 22-23 or

figure 3, ref. Num "370"]

6.   **As per claim 3, Peterka** discloses a network as applied to claim 1 above. Furthermore, Paterka discloses a network, wherin in the software system, further comprises a resource manager which withdraws the access rights. (page 22, lines 22-31;figure 3, ref. Num "390")(the resource manger is interpreted by the office to be the "Access controller". After an application is used or after an application gets the first permission to the controlled object, the "Access Controller" continues to check the current condition dynamically for withdrawing the access rights as shown on figure 3, ref. Num "370" and explained on page 19, lines 6-18 and page 21, lines 11-31, page 22, lines 22-31)

7.   **As per claim 4, Peterka** discloses a network as applied to claim 3 above. Furthermore, Paterka discloses a network, wherein the software system includes an access right manager which, together with the filter, is instructed by the resource manager to check the access rights.(figure 2, ref. Num "240", ref. Num "250" and ref. Num "220"; page 18, lines 24-30; page 19, lines 6-18; page 19, lines 24-31)

(The access right manager which is interpreted by the office to be the "Security Policy" which manages the access rights of the application as shown on figure 2, ref. Num "250" and the filter or the "Permission code Module 220" as shown on figure 2 are both controlled and instructed by the resource manager or "Access Controller" which is shown on figure 2, ref. Num 240" and explained on page 18, lines 24-30; page 19, lines 6-18; page 19, lines 24-31)

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   **Claim 5 and 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over, **Peterka,**

(hereinafter referred as **Peterka**)(International Publication Number: WO 99/66714) in view of

"Brown et al. (hereinafter referred to as **Brown**) (U.S. Patent No. 5,941,947)

10.   **As per claim 5**, **Peterka** discloses

- A network comprising a plurality of terminals and a software system distributed among the terminals, (page 13, lines 6-8; page 14, lines 20-24; figure 1, ref. Num "100", ref. Num "120"; ref. Num "160")(A network or the digital television broadcast network has the software system or the software application distributed or broadcasted to each terminals or receivers as explained on page 14, lines 20-24; the terminal is interpreted as "television receiver" and this interpretation is given in light of the submitted application as it is defined on page 3, lines 1-3) and

- A plurality of access control objects.[page 20, lines 15-18; page 4, lines 5-6) (controlled objects or functionalities and lists the name of the associated permission).

- The access right manage and the filter which evaluates access rights of the user to access the control objects, (A "filter" is interpreted by the office to be the "Permission code module 220" which is provided for evaluating the access rights of the user or the application for accessing the controlled objects or receiver functionalities or resources or user data under the control of the "Access Controller" as shown on figure 2, ref. Num "240" based on the data that are not available until the time of the access or "condition code module 225" as shown on figure 2, ref. Num "225" and as explained on page 19, lines 6-18 and the access right manage is interpreted by the office as the "Security Policy" shown on figure 2, ref. Num "250") wherein

The access right manager which is interpreted by the office to be the "Security Policy" has a data structure for listing and accessing the permission of the associated controlled objects or functionalities and lists the name of the associated permission.(page 20, lines 15-18; page 4, lines 5-6). Furthermore Peterka discloses that "resource manager " which is interpreted by the office to be the "Access Controller" checks the access right manager or the "Security Policy" to check the appropriate permission.(page 19, lines 24-29)

Peterka does not explicitly disclose

A network as claimed in claim 4, characterized in that the access right manager (8) has a data structure in the form of a tree (15) for arranging access controlled objects (14) and in that the tree (14) includes a plurality of nodes (35 to 44) which each contain a list of permitted users or user groups respectively, of an access controlled object and for each user or user group respectively, include a list of methods of use.

However, in the same field of endeavor, **Brown** discloses that on-lines services or directory services maintains a directory structure of the content objects that are accessible to the user with the content objects forming nodes of the tree-like directory structure or data structure. This data structure provides a hierarchical navigable view of content. (column 2, lines 38-46)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add the tree node data structure as per teachings of **Brown** in to the method taught by **Peterka,** in order to provide a data structure which has a faster searching mechanism to access controlled objects or the requested functionalities and to accommodate and arrange a list of permitted users and methods in each node and accordingly provide a respond for the required permission efficiently.

11.   **As per claim 6,** the combination of **Peterka and Brown** discloses a network as applied

to claim 5 above. Furthermore **Peterka** discloses the network wherein

The filter further evaluates additional data occurring while the user has access to

the access control object,[Page 20, lines 28- page 21; page 31, lines 19-28](Even If the

caller has the required permission, a further check is made to determine whether a

"condition" of the receiver 160 is satisfied. This is determined at the access controller

240 by analyzing the current environment of the receiver 160.] **monitors a change in**

the access rights,[Page 21, lines 11-20; see also page 21, lines 21-page 22, line 14,

page 31, lines 19-28] (data indicating the current environment of the receiver, such as

time of the day or date, parental lockout status, pay-per-view status, current viewer,

current authorization state that is relevant and changes over time.) and **triggering**

withdrawal of the access rights to the access controlled object.[Page 22, lines 22-

33] (If the access controller determines the condition/additional data which dynamically

changes with time as explained on page 21, lines 19-20 while the user has access to the

access objects as explained on page 20, lines 28-page 21, line 2 and monitors a change

in the access rights as explained above and triggering withdrawal of the access right to

the access controlled objects as explained on page 22, lines 22-23 or figure 3, ref. Num

"370"]

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy

as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).
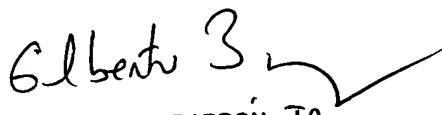
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S·L·

04/13/2005

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